THE SEVENTY'S SEDAN.

Veto of the Charter by Governor Hoffman.

EXECUTIVE MESSAGE TO THE ASSEMBLY.

Cumulative Voting a Premium on

THE FOLLY OF THE MEASURE.

Caustie Comments on the Wise Saws of the City Solons.

The Governor's Veto Sustained --- 30 to 37.

ALBANY, April 30, 1872. Immediately on the organization of the Assembly to-day Colonel Van Buren, the Governor's private cretary, appeared before it with the Seventy's charter without the signature of the Executive and the following message in explanation. After the message was read and debated the previous nestion was ordered, and the veto was sustained by the decisive vote of 80 to 37. The Seventy's

the decisive vote of 80 to 37. The Seventy's eter is therefore dead.

EXECUTIVE CHANDER, ALBANY, April 30, 1872.

THE ASSEMBLY—I return without approval Assembly No. 113, entitled "An act to reorganize the local governent of the city of New York."

to bill provides a new charter for the city of New K, the main features of which are these;—One board rty-five Aldermen, elected, ninc in each Senate dis, by a novel method called the cumulative vote, unwhich one man may vote ninc times for one candidates against the will of the majority in the dis; this Hoard of Aldermen to Appoint four out of ive heads which are given to each of the administrate departments, except the Police Board, of which the mon Council appoints all the members and the Mayor ade, by virtue of his office, an additional member of; the Mayor has the power of appointing the pregraments of the boards of five who severally control other departments. The Law Department alone if with one head, chosen by the Mayor, Comper and first judge of the Court of Common s, and removable by the Mayor for cause. When idering charters for cities and villages! have not myself justified in Interposing the executive veto, re a difference of epinion existed between the Legisre and myself only on minor details, not involving ortain principle. This bill, however, is, in its main ares, contrary to the established fundamental princes of good government, as recognized by the people of country, and is likely to lead to very great evils. It is that the Common Council the appointment of those who rot administrative departments, thus stripping the or of power necessary to making his effice of use to

when the same is t

wided responsibility. For the chacting of wholesome laws, for the careful interprentific and
application of these haws to the rights of those
subject to them, the chieration of bodies
of men, more or less numerous, are useful and
necessary, but in the enforcement and administration of
the laws, a single executive has always been found essential to need government. Our experience, in both our
State and local governments, teaches that alt changes
taking away from the chief executive officer his control
over and list full consequent responsibility for the general administration of affairs have resulted in making
things worse, not better.

Of the American forms of government, and, in fact, of all
wise government, is that the executive, the legislative
and the judicial departments shall be separated from each
other; that each has its proper sphere of action, and that
no one of these shall be charged with or permitted to excreise the functions of one of the others. This charter
throws aside this principle, recognized by the American
people and approved by the experience of the world.
Nowhere on this Continent is it so essentially a condition
of good government at in the city of New York
that the chief executive officer should be clothed
with ample power, have full control over all sebordimate
administrative departments and so be subject to an undivided responsibility to the people and to public edition
on attendance of the chief executive, and the public gaze is aiways concentrated and from whomit
cannot be diverted on the pica that others share his responsibility and his power. No machinery can be devised
which will be a safe substitute for this personal undivided
responsibility of the chief executive, and this can
only exist where the powers conferred are a anniel and
so completely his own that he cannot throw off upon
others any chare of blame, and so cannot escape having
public odium concentrated upon him for good behavior, in addition to the legal restraints which can be
imposed by providing for hi

governing their ships or their counting houses, their principal houses, their inctocles, their workshops or their principal houses, their principal houses, their many contents are answerable. No private enterprise can prosper under any other system. And, in my sudgment, no government can be successful except under the same system, approved by the experience and practice of the civilized world and continued by the method houses, and these instinctive habits of men in all enterprises, public or private, which require co-operation. When theories are put forward directly opposed to this experience and these instinctive habits we may be sure, whatever the arguments made in their favor, that they are not the outgrowth of practical wisdom. The constitution of the United States affords us the best model of a government. It may not be perfect in all its details, for it is of human creation. But the country has done well under it for a century, and we are justified in saying, other our late civil war, that no form of government in he history of the world has stood, and successfully stood, so severe a test as ours. In the beginning, our State povernments were, almost all of them, upon the same model; and all thoughtful men atknowledge them in departing from this pattern in the governments were, almost all of them, upon the same model; and all thoughtful men atknowledge them in departing from this pattern in the governments were a made a great mistake. The city of same model; and all thoughtful men atknowledge them in departing from the proposition than many of the States, as we have done in our existing constitution of the United States, as we have done in our existing constitution of the constitution of the proposition of the proposition of the constitution of the proposition of the pr

der mein in New York eitst exerted their power in this way was attemen. The political revolution in that city was wrought out by the tremendous power of the original to the total the power of the original to the total the power of the original to the ori

lers showen, whether on the majority or minority principle, by the Lershature, low would regard the proposition as one likely to lead to more directness of purpose or greater efficiency and fidelity in management. Mo proposition has ever been made in any constitutional convention in the country like this one of trusting the administration of a financial department to a five-headed board. Such an arrangement must of necessity render it difficult for the Mayor to find a man it for the position who will accept the pilice of Confibrolle? and equally difficult for a financial cheeper the pilice of Confibrolle? and equally difficult for a financial country in the property of the competency will still continue to be looked upon by the public as responsible for the management of the department, while every decision of his, in small matters or great, is liable to be overruled by the votes of his associates, choses by the Common Council.

The Department of PULLE WORE is organized in the same way, with five commissioners at its head, appointed one by the Mayor, four by the Common Council; and this department is to be charged, in addition to its present extensive duties, with the duties now perianing to the Department of Pocks. It is a strange feature in the charter that the Department of Parks, the work of which is substantially completed, should be continued as a separate department, with five commissioners, while the Department of Docks, charged with a very important, necessary and extensive improvement, essential to the future business prosperity of the city and long demanded by its merchants, is abolished and its duties handed over to a bureau in the Department of Public Works. The Department of Public Charities has a very unvise and needless restraint placed upon its discretion, by this charter. While authorized to grant aid, with the approvale of the management or control of any sectorian or religious denomination. If all addition that is under the management or control of any sectorian or religious denomination. If

set of more pulselation for the glosses they have Alexander that the common activation to the common and the water is activated and the common and the commo

who has held the second office in the State and whose practical acquaintance with the public affairs of the State is of, perhaps, as long and constant continuance as that of any man living, awowed in debate his belief that the charter wonst prove to be a failure, and that he voted for it only in deirence to the representative men from New York, who were urging it, and of them he put the responsibility. A venerable member of the Schatz, who has himself been Mayor of the city of New York, shares fully my worst apprehensions as to the disastrous evils likely to result to the city should this charter go into effect. In the opinion of another gentleman, who has been Mayor of the city, a distinguished member of the political party opposed to my own, the provisions in the charter which lodge the whole power of the city in the hands of the Common Council are fatal to all hopes of good government under it. I admit the importance of giving to our great city a sood form of local government, and the duy of the Legislature in that behalf. But the people of that city have no right to be a failure of the council of the council with the general character of the governments which prevail elsewhere in the State and country. RECUBLEAR GOVERNMENT IN NEW YORK NOT YET TRIED.

I do not admit that miscovernment in this city is proof of the failure of ropublican government. Republican government, under a wise and well-considered charter, with a proper distribution of power, has not yet been tried in the great metropolis. When the Legislature gives to New York is mulcipal government in this city is proof of the failure of ropublican government. Republican government, under a wise and well-considered charter, with a proper distribution of power, has not yet been tried in the great metropolis. When the Legislature gives to New York is mulcipal government in this city is proof of the failure of ropublican government. Republican government, under a wise and well-considered charter, with a proper distribution of power, has not yet been tried

EDWARD S. STOKES.

SETTLEMENT OF BILL OF EXCEPTIONS.

The Indictment Prenounced Good-Time Granted Stokes to Plead.

The settlement of the bill of exceptions in the case of Edward S. Stokes came up for argument yesterday before Judge Cardozo. On taking the bench the Judge stated that he was not very well, but he would endeavor to hear the argument so as to enable a decision to be reached in the matter as speedily as possible. Happily the arguments of the points of difference were not very many. The chief differences were whether the District Attorney had the right to insert his exceptions in the case, inasmuch as he was not an appealing party. The Court acceded to the view advanced by the prisoner's counsel. The settlement of some other matter of no very substantial difference concluded the matter of the bill of exceptions, they being mainly for clerical errors.

the verdict. Mr. Gerry opposed the motion. He ins there should be an arrest of judgment—First, on the six grounds urged by Mr. McKeon in the original pleading; second, because the record shows that the Court directed a verdict for the people on the general issue, which was contraff to all precedent, as preyed by several cases cited; third, because, this being a criminal case, the Court could not direct a verdict on a collateral issue of such case. He also argued that the Court could not direct a jury to find a man guilty of murder. As far back as the time of Glanyille a judge was hanged for 80 doing. (Laughter.) He merely mentioned this by way of illustration. He concluded by submitting that the Whole proceedings before His Honor were a mistrial, and that no verdict had been rendered at all, the jury having merely followed the directions of the Judge.

The Court at this point directed the prisoner to be brought up from the Tombs, that he might be present while judgment was dedivered. In the meantime His Honor said he could see no reason for changing the opinion he gave during the trial. In respect to his taking the case out of the hands of the jury, this was a collateral proceeding. If there was a conflict of evidence on any question which he considered necessary to be submitted to the jury, it would be an error to take it from them; but in his view there was none on any material question, and therefore there was nothing left for him to do but direct them to find a verdict one way or another, this matter being directory by the Court.

After waiting about half an hour Stokes was brought into the court room, a large and curious crowd following. He was as jauntily dressed, stepped as briskly and looked in as fine physical health as at the commencement of his imprisonment. He took his seat by his counsel.

The District Attorney asked that the prisoner plead over, and passed up the form, and moved to strike out the words referring to the verdict.

The Judge denied the motion, and exception was taken.

Mr. McKeon then asked further time to plead, which was granted, six grounds urged by Mr. McKeon in the original

THE BOARD OF APPORTIONMENT.

Meeting of the Old Board of Apportionment To-Day-Will the Two and Three-

quarter Per Cent Be Sufficient !- Probable Reduction of the Number of Employes in the City Departments. The Board of Apportionment will meet to-day at two o'clock. This Board meets under the powers given to them under the notorious two per cent act May, 1872," "to fix and set apart and apportion the sum to be raised by tax upon the estates, real and

of New York, which amount shall not exceed in the aggregate a sum equal to two per cent upon the this amount (including taxes imposed by the State) to \$25,000,000," and to regulate all salaries of officers and employes of the city and county governments." By law the Board consists of the Mayor, the Comp-

ment, readly accessor i aspayers to the city accounts, and employes of the city and county governments, opportunities to the people to change the rich of many accessors to the property of the city and county governments. Property of the city and county governments are supported by the company of the city and county governments. Property of the city and county governments are should be tool, in plain terms by the Legislature, that it is to the maintenance of republican government. From property to year for amendments to the charter the Legislature should resolutely turn away. I am away a committee of seventy prominent citizens of "Sew York, who have recently done good public errice in public affairs, but many of wom are of the class that has been diverged to the committee of the intentions of the commissioner of Pablic wors, a committee, put cannot let its judgment control man, and the commissioner of the intentions of the commissioner of pablic errice in the convented am I that great in diagrates with the city are will be convented and that great in diagrates with the convented and the commissioners, recognizing the efficiency of other with the convented and the commissioners of probability of the convented and the commissioners of probability to some of the intentions of the convented and the commissioners of probability to convented the convented and the conven

be not only unjust, but revolutionary, for there are many

PAITHFUL WORKERS

in all of the departments, who are promptly at their desks, fulfiling to the letter the duties of their position, who receive but a modicum of the salary bestowed upon the loungers, the inefficient, or the political hacks, whose service to party is believed to be a sufficient return for their stipend. The view taken of it by the practical executive is that the four offiers comprising the Board of Apportionment should take up, man after man, in every office and every department, cut off entirely the useless people, the mere political backs, advance the salaries of those who are deserving, and reduce those who are undeserving, and by this means place the administration of the city government, in all its departments, upon a fair and equitable basis, and by this means reduce the expenditures to within the limit of the proposed two and three-quarters per cent. How far it will be possible for so desirable a consummation to be arrived at, in the present complicated condition of political parties, will be best understood by those who form this Board of Apporthonment, all of whom know that expediency and concession are the controlling elements of city government, and not practical justice.

THE ASSETS OF THE CITY BEING HUNTED

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UP.

Comptroller Green has instituted an investigation into the matter of arrearages of payments due the city on various accounts, such as bonds and mortgages, interest on bonds and mortgages, and mortgages, interest on bonds and mortgages, and rents for ferries, docks and slips, water lois, market cellars, houses, &c., amounting in the aggregate to nearly two million dollars, and in many cases remaining overdue for several years. Some of these arrearages may be put down as "bad debts," which, through remissness or corruption of the city officers, whose duty it was to make the collections or proceed against defaulting parties, have been allowed to be outlawed, but a large portion of these arrearages is considered good, and the Comptroller has determined upon taking decided and rigorous measures for their collection. This action of the Comptroller will at least relieve the taxpayers to some extent.

THE SPECIAL SESSIONS CONVICTIONS

Decision Upon the Habens Corpus Cases Judge Brady, of the Supreme Court.

The Prisoners All To Be Tried Over Again.

Their Commitment to the Tombs To Awalt Trial.

Judge Brady, of the Supreme Court, rendered yesterday a decision in the case of the prisoners tried and convicted at the Court of Special Sessions. Appeals declaring the Court illegally constituted writs of habeas corpus had been granted. It will be seen that the multiplicity of prisoners looking for speedy restoration to liberty will be somewhat disappointed and their sanguine hopes not altetrials are ordered for such as desire them, while those who prefer to serve out their present terms of sentence to the annoyance of delay and risks at characteristic trait of this Judge to temper justice with mercy showed itself even farther than this Taking the ground that the law has been vindicated by the imprisonment of the offenders, and not de-Siring to unnecessarily punish them on account of the illegal constitution of the Court convicting them, in case of another trial and conviction, eac

them, in case on several trees, as the previous term of imprisonment. The formous relators ask to be discharged upon the ground that the Court of Special Sessions in which they concluded and the proceedings before it, therefore, corum non patter and void. They do not claim that the evidence given against them was manifetent or questionable, or that they do not claim that the evidence given against them was insufficient or questionable, or that they right of theirs was invaded or discrepated of their application to be discharged, therefore, result that any right of theirs was invaded or discrepated of the State, no person can be twice put in Jeopardy for the same offence. The recent decision of the Court of Appeals in Huber, pilantiff in error, was the court of Appeals in Huber, pilantiff in error, was not legally formed when the various relators were tried, convicted and sentenced, and the question. It is a suitural natural mann of the common law that no man is to be brought into Jeopardy of his life more than once for the some offence. The law suitural maxim of the common law that no man is to be brought into Jeopardy of his life more than once for the some offence to law controlled, and the question of the civil liw—"Group of the distribution, that "up person shell by Emission the same offence to he wise of the distribution, that "up person shell by Emission the Law of the civil liw—"Group of the

Loud, 3 Met. Rep., 258; Bishop on Crim. Law, vol. I., sec., 683).

I deem it proper also to say that if another trial shall take place the relators or any of them declining to serve out the sentence pronounced, and conviction follow, the portion of the punishment already suffered should, ex debito justities, he accredited in the penalty that may be imposed. The law has been vindicated in these cases by the imprisonment of the offenders, and it would not compose that the proper with the dignity of the people or with our sense of right that they should unnecessarily suffer for erroneous proceedings initiated by the people, in the legality of which they have for some time acquiesced.

I have forborne to consider whether under our constitution misdemeanors are included in the pro-

constitution misdemeanors are included in the pro-hibition of jeopavdy, laasmuch as the relators have not brought themselves within its protection, as-suming their cases to be embraced within its mean-ting.